

REMARKS

This Response is submitted in reply to the Office Action dated September 25, 2008. Applicant has amended Claims 1, 2, 4 to 7, 9, 10, 13, 15, 16, 22 to 31, 34 to 45, 47 to 49, 51 to 56, 58, 59, 62, 67 to 72, 74, 77 to 83, 85, 87 to 89, 91 and 92 for clarity. No new matter has been added by these amendments. A Request for Continued Examination ("RCE") and a Petition for a One-Month Extension of Time are submitted herewith. Please charge deposit account 02-1818 for the RCE fee, the Petition fee and any other fees which are due in connection with the filing of this Response, RCE and Petition.

Applicant has filed a RCE with this Response. If the Examiner deems it necessary to issue another Office Action on the merits of the claims, Applicant respectfully requests the Examiner to provide an upcoming Office Action which will "... identify any claims which he or she judges, as presently recited, to be allowable and/or ... suggest any way in which he or she considers that rejected claims may be amended to make them allowable" in accordance with §707.07(d) of the MPEP.

The Office Action rejected claims 1 to 93 under 35 U.S.C. §103(a) as being unpatentable over Walker et al. (U.S. Patent No. 6,203,430; hereafter "Walker") in view of Graham et al. (U.S. Patent No. 6,491,584; hereafter "Graham"). Applicant respectfully disagrees and traverses this rejection for at least the reasons set forth below.

Walker discloses "a slot machine [that] identifies a tracked symbol and initializes a running count representing active occurrences of the tracked symbol generated during a play session. . . . The slot machine adjusts the running count, increasing the running count to reflect occurrences of the tracked symbol and decreasing the running count to reflect expiration of occurrences of the tracked symbol. Once the running count reaches a predetermined level, the slot machine determines a bonus payout based on the running count." Walker, abstract. "The running count represents a number of occurrences of the tracked symbol, for example, during a particular time period or throughout a number [sic] plays of the slot machine." Walker, col. 3, lines 38-41.

The Office Action recognizes that Walker discloses that a gaming session begins at a slot machine (e.g., when a player inserts a player tracking card or currency) and the

player plays a number of games during the gaming session. See Walker, col. 4, lines 40-44 and col. 8, lines 35-40. Walker discloses that "the slot machine identifies at least one tracked symbol, and throughout the [gaming] session, the slot machine maintains a running count of the number of times the tracked symbol occurs in a generated outcome." See Walker, col. 4, lines 45-48.

Page 8 of the Office Action equates the number of games in a player's gaming session of Walker to the "designated number of initial spins" in amended independent Claim 1. However, unlike the "designated number of initial spins" in amended independent Claim 1, Walker does not designate the number of games in a player's gaming session. In Walker, the player determines when to start and stop the gaming session (which, in turn, determines the number of games in the gaming session). That is, in Walker, the number of games in any particular gaming session is player dependent. Depending on when the player starts and stops the gaming session, the gaming session could include a plurality of games. Each game of the gaming session provides the player one spin of the reels. That is, in Walker, a gaming session having a plurality of games provides the player with a plurality of spins. However, Walker does not designate a number of initial spins for the gaming session because the player determines the number of games (and spins) in the gaming session. Additionally, because the number of games in a gaming session is player dependent, Walker does not display a designated number of games in the gaming session. For this reason, unlike amended independent Claim 1, and contrary to the Office Action, the gaming device of Walker does not anticipate or render obvious to display a designated number of initial spins of the reels, wherein the designated number of initial spins is greater than one.

Nevertheless, Applicant has amended certain of the claims for clarity to advance the prosecution of this application. Amended independent Claim 1 is directed to a gaming device which comprises at least one memory device which stores a plurality of instructions, which when executed by at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device to: (i) display a designated number of initial spins of the reels, the designated number of initial spins being greater than one, and (ii) display the initial spins of the

reels after a wager by a player until none of the designated number of initial spins remain. Walker does not anticipate or render obvious such elements.

In Walker, depending on when the player starts and stops the gaming session, the gaming session could include a plurality of games. However, as discussed above, Walker does not display a designated number of initial spins because the player determines the number of games (and spins) in the gaming session. Thus, unlike amended independent Claim 1, the gaming device of Walker does not display a designated number of initial spins of the reels, wherein the designated number of initial spins is greater than one.

Moreover, in Walker, for a gaming session to have a plurality of games (and spins), the player is required to place a plurality of wagers. That is, for a gaming session to include multiple spins of the reels in Walker, the player is required to place one wager for each spin of the reels. Walker does not provide a designated number of spins, wherein the designated number is greater than one, for a wager placed by the player. Thus, unlike amended independent Claim 1, the gaming device of Walker does not display the initial spins of the reels after a wager by a player until none of the designated number of initial spins remain.

Additionally, pages 3 and 4 of the Office Action maintain that Walker "lacks in explicitly disclosing at least one re-trigger symbol" and that "[i]t would have been obvious to modify the invention taught by Walker to include the re-trigger features of Graham"

Graham discloses a gaming machine, wherein if "[a] triggering condition results in an initial series of free games, and during the initial series of free games, another trigger condition arises, a subsequent series of free games, including a bonus feature, is awarded" Graham, abstract. However, the re-trigger features of Graham do not: (i) display an initial designated number of spins of the reels, and (ii) activate the reels a plurality of times until none of the displayed initial designated number of spins remain.

Regardless of whether it would have been obvious to combine Walker with the re-trigger feature of Graham, the gaming device resulting from the proposed combination of Walker and Graham would not render obvious the gaming device of amended independent Claim 1, which comprises at least one memory device which

stores a plurality of instructions, which when executed by at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device to: (i) display a designated number of initial spins of the reels, the designated number of initial spins being greater than one, and (ii) display the initial spins of the reels after a wager by a player until none of the designated number of initial spins remain. Accordingly, amended independent Claim 1 is patentably distinguished over the proposed combination of Walker and Graham and is in condition for allowance.

Claims 2 to 27 depend directly from amended independent Claim 1 and are also allowable for the reasons given with respect to amended independent Claim 1 and because of the additional features recited in these claims.

Amended independent Claims 28, 40, 48, 56, 74, and 85 each includes certain elements similar to certain elements of amended independent Claim 1. For reasons similar to the reasoning discussed above with respect to amended independent Claim 1, amended independent Claims 28, 40, 48, 56, 74, and 85 (and their respective dependent Claims) are each patentably distinguished over the proposed combination of Walker and Graham and are in condition for allowance.

Additionally, amended independent Claims 48 and 85 include the following elements: "wherein the predetermined symbol combination including the re-trigger symbol must occur on the reels at least once to accumulate the designated number of the first prize symbols," and "wherein the predetermined symbol combination including the re-trigger symbol must occur on the reels at least once to accumulate the designated number of the second prize symbols." Walker and Graham do not disclose such elements. As discussed above, Walker enables the player to accumulate designated symbols in each spin, where each occurrence of the designated symbol(s) is counted or accumulated toward that player winning a prize. Because the initial number of spins in a gaming session is player dependent in Walker (i.e., Walker does not designate an initial number of spins in a gaming session), Walker does not restrict its symbol accumulation for a prize to particular spins (i.e., the spins initially provided to the player or the spins triggered by the occurrence of a re-trigger symbol). Regardless of whether it would have been possible to modify the gaming device of Walker to add the re-triggering features of Graham, such modification would not render obvious a gaming

device or a method which requires the predetermined symbol combination including the re-trigger symbol to occur on the reels at least once to accumulate the designated number of first or second prize symbols, as in amended independent Claims 48 and 85. Accordingly, amended independent Claims 48 and 85 and their respective dependent claims are each patentably distinguished over the proposed combination of Walker and Graham and are in condition for allowance.

Additionally, dependent Claims 24, 27, 36, 37, 45, 52, 53, 69, 79, 80, 88 and 89 (which depend from amended independent Claims 1, 28, 40, 48, 56, 74 and 85) are each directed to a gaming device or method which requires, for a first wager made by the player, a first designated number of the prize symbols to be accumulated for the player to win the physical prize, and which requires, for a second, different wager made by the player, a second, different number of the first prize symbols to be accumulated for the player to win the physical prize.

The Office Action stated that "determining . . . [the] prize symbols necessary to win a prize . . . is based at least in part on a wager made by the player" and that "[e]ach of these determinations is described at least by the citations of Walker herein because each determination must be established when the player initiates the wagering session." However, Applicant respectfully disagrees that Walker determines the number of prize symbols necessary to win a prize based on the player's wager. In Walker, though each game is initiated upon a wager made by the player and each game is associated with a number of prize symbols necessary to win a prize, the number of prize symbols necessary to win a prize does not change based on different wagers made by the player. Additionally, Applicant submits that Graham does not determine the number of prize symbols necessary to win a prize based on the player's wager. Thus, unlike dependent Claims 24, 27, 36, 37, 45, 52, 53, 69, 79, 80, 88 and 89, the proposed combination of Walker and Graham would not anticipate nor render obvious a gaming device which requires, for a first wager made by the player, a first designated number of the prize symbols to be accumulated for the player to win the physical prize, and which requires, for a second, different wager made by the player, a second, different number of the prize symbols to be accumulated for the player to win the physical prize. Accordingly, dependent Claims 24, 27, 36, 37, 45, 52, 53, 69, 79, 80, 88 and 89 are

each patentably distinguished over the proposed combination of Walker and Graham and are in condition for allowance.

Additionally, dependent Claims 6, 31 and 49 (which depend from independent Claims 1, 28 and 48) are directed to a gaming device comprising at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device to display a primary game operable upon the wager, and display the initial spins of the reels in the primary game.

The Office Action stated that "Walker teaches that the initial designated number of spins is obtained in a primary game activated upon a wager by the player (see at least 6:9-15)." However, column 6, lines 9 to 15 of Walker states that:

Currency acceptor 320 is operative to receive one or more coins or bills, and to transmit an appropriate value signal to processor 302. Hopper controller 332, and hopper 334 connected thereto, are operative under the control of processor 302 to dispense coins to a player. Starting controller 350 comprises a player-operated device such as a handle or button for initiating the play of a game.

This portion of Walker appears to disclose that Walker's gaming device accepts currency input by the player, dispenses coins to the player, and enables the player to operate a player-operated device to initiate the play of a game. Nevertheless, this portion of Walker does not appear to disclose a primary game operable upon a wager in which the initial spins of the reels are displayed, wherein the number of initial spins is greater than one.

As discussed above, col. 4, lines 40 to 44 of Walker disclose that "[d]uring the [gaming] session, the player plays a number of games, and generates an outcome for each game" and "[e]ach outcome is represented by a set of symbols." Additionally, col. 7, lines 41 to 50 disclose that "if a player wagers one coin on a play that results in an outcome of 'BAR/ORANGE/ORANGE,' slot machine 300 would provide a payout of ten coins, according to payout field 504 of record 522" and "[i]f two coins were wagered on a play having the same outcome, slot machine 300 would provide a payout of twenty coins, according to payout field 506 of record 522." Accordingly, Walker's gaming

session could include a plurality of games depending on when the player starts and stops that gaming session, wherein the play of each game for the gaming session is initiated upon a wager made by the player. Walker also discloses that the play of each game includes one spin of the reels which results in one outcome for that play of the game. On the other hand, dependent Claims 6, 31 and 49 (which depend from independent Claims 1, 28 and 48) are directed to a gaming device that comprises at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device to display a primary game operable upon the wager, and display the initial spins of the reels in the primary game. Unlike amended dependent Claims 6, 31 and 49, Walker does not display or provide the player an initial designated number of spins that is greater than one after a wager by the player for the primary game. For reasons similar to the reasoning discussed above with respect to Walker, Graham does not provide the player an initial designated number of spins that is greater than one in response to a wager made by the player for the primary game.

Thus, unlike dependent Claims 6, 31 and 49, the proposed combination of Walker and Graham would not anticipate nor render obvious a gaming device which includes at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device to display a primary game operable upon a wager by a player, and display the initial spins of the reels in the primary game. Accordingly, dependent Claims 6, 31 and 49 are each patentably distinguished over the proposed combination of Walker and Graham and are in condition for allowance.

For at least the reasons set forth above, Claims 1-93 are patentable over the proposed combination of Walker and Graham and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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